

2.25. "Class D Solid Waste Facility" means any noncommercial solid waste facility for the disposal of only construction/demolition waste in an area no greater than two (2) acres in size and not exceeding the height of the adjoining ground elevation.

2.38. "Construction/Demolition Waste" means waste building materials, packaging, and grubbing waste, resulting from construction, remodeling, repair and demolition operations on houses, commercial and industrial buildings, including, but not limited to, wood, plaster, bricks, blocks and concrete, and other masonry materials, but does not include asbestos-containing materials, household furnishings, burnt debris, material containing lead-based paint, pressure-treated wood, contaminated solid waste, yard waste or waste tires, and other items listed in subdivision 5.4.a.

3.16.e. Permitting Requirements for Class D-1 and Class D Landfills.

3.16.e.1. General Requirements. -- All Class D-1 and Class D landfills must apply for and receive approval from the Secretary prior to operation unless otherwise specified by subdivision 3.16.e. Notwithstanding the provisions of subdivision 3.16.e, a Class D-1 solid waste facility is required to meet all applicable landfill requirements specified by this rule.

3.16.e.2. Exemptions.

3.16.e.2.A. Land Clearing Exemption. The disposal of trees, stumps, woodchips, and yard waste generated from land clearing when generation and disposal occur on the same property and the disposal area is less than one-half acre is exempt from the permitting requirements of this rule.

3.16.e.2.B. One-half Acre Exemption. A landowner using construction/ demolition waste material to improve the grade of the land if the area of that land does not exceed one-half acre is exempt from the permitting requirements of this rule when generation and disposal occur on the same property, provided that the landowner does not fill natural wetlands, adheres to best management practices for construction and maintains cover over the material. This exemption does not apply to multiple one-half acre sites on the same parcel of land.

3.16.e.2.C. Clean Waste Concrete and Masonry Substances Exemption. -- The legitimate beneficial reuse of clean waste concrete/masonry substances for the purpose of structural fill or roadbase material is exempt from the permitting requirements of this rule.

3.16.e.4. Class D General Permit.

3.16.e.4.A. Coverage. -- The Secretary may issue a general permit to regulate noncommercial construction/demolition solid waste facilities except those covered by individual Class D permits.

3.16.e.4.B. Administration. -- General permits may be modified, revoked, reissued or suspended in accordance with the applicable requirements of subsection 3.18 of this rule.

3.16.e.4.B.1. The Secretary may require any person authorized by a general permit to apply for an individual permit. Any interested person may petition the director to take action under this part. Cases where an individual permit may be required include the following:

3.16.e.4.B.1.(a) The permittee is not in compliance with the conditions of the general permit;

3.16.e.4.B.1.(b) A change has occurred in the availability of the best management practices or demonstrated technology for the control or abatement of problems applicable to the facility;

3.16.e.4.B.1.(c) Specific regulations or rules are promulgated for solid waste facilities covered by the general permit.

3.16.e.4.B.2. The Secretary may require any owner or operator authorized by a general permit to apply for an individual permit as provided in part 3.16.e.4.B.1 of this rule, only if the owner or operator has been notified in writing that a permit application is required. This notice must include a brief statement of reasons for this decision, an application form, a statement setting a time for the owner or operator to file the application, and a statement that on the effective date of the individual permit, the general permit as it applies to the individual permittee will automatically terminate. The Secretary may grant additional time upon request of the applicant.

3.16.e.4.B.3. Any owner or operator authorized by a general permit may request to be excluded from the coverage of a general permit by applying for an individual permit. The owner or operator must submit an application under subsection 3.5 with reasons supporting the request, to the Secretary, no later than ninety (90) days after the general permit notice in accordance with subsection 3.21.

3.16.e.4.B.4. Upon issuance of a general permit, the Secretary will cause to be published a notice of issuance as a Class I legal advertisement in a qualified daily or weekly newspaper and by any other means reasonably calculated to give notice of issuance to the persons affected by it.

5.4. Requirements for the Operation of Class D-1 and Class D Solid Waste Facilities.

5.4.a. General Requirements. -- Only the construction/demolition wastes approved in the facility permit must be accepted. Prohibited materials include, but are not limited to: putrescible wastes, household wastes, automobile shredder fluff, industrial wastes, sludge wastes, liquid paint including lead-based paint or products coated with lead-based paint, lacquers, solvents, adhesives, cements, sealants, pesticides, aerosols, resin containers, brake fluid, lubricating oil and oil filters, any automotive fluids or fuels, railroad ties, pressure treated wood and engineered wood products, metal wastes (such as piping, wiring appliances, and "white goods"), electrical wastes (such as batteries, mercury-containing switches, ballasts, transformers and capacitors, fluorescent tubes, and computer equipment) carpet and other synthetic flooring material, or other items prohibited by the Class D General Permit Groundwater Protection Plan.

5.4.c. Class D Facility Requirements. Except as herein specified, Class D solid waste facilities are exempt from the requirements of section 4 of this rule unless otherwise required by the Secretary, but must comply with the requirements of paragraphs 5.4.c.1 through 5.4.c.7 of this rule. A Class D facility must not exceed two (2) acres in size. Only one (1) Class D landfill may be located per 10 acre site. In no circumstance may a Class D facility be located within 200 feet of another solid waste facility.

5.4.c.1. Access must be controlled in such a manner as to discourage unauthorized entry and must be limited to those authorized to deposit waste material and only during scheduled hours.

5.4.c.2. Construction/demolition and cover material must not be placed in or near a stream channel in any manner that violates paragraph 3.2.a.1. of this rule and must be placed in such a way to prevent erosion and sedimentation.

5.4.c.3. Cover material must be graded and maintained to prevent ponding and minimize erosion.

5.4.c.4. Erosion and sediment controls must be installed as necessary to prevent sedimentation.

5.4.c.5. The disturbed area must be revegetated to prevent erosion and sedimentation in accordance with subdivision 4.5.f of this rule.

5.4.c.6. Except when extended by the Secretary, all operations for a Class D solid waste facility must have been completed including covering with a minimum of twenty-four (24) inches of soil, regrading, dressing up, seeding, mulching and fertilizing prior to the expiration date of the permit.

5.4.c.7. The permittee must notify the Secretary to arrange for a final inspection prior to removing equipment from the site. All site reclamation must be completed before equipment removal.

5.4.c.8. The Secretary may require a Class D solid waste facility to meet any specific requirement in section 4 of this rule.